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# 2A

## Information

### *Professional Practices Committee*

#### **Progress on Addressing the Recommendations from the April 7, 2011 Audit Report**

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**Executive Summary:** This agenda item provides an update to the Commission on the April 7, 2011 Bureau of State Audits' Audit of the Division of Professional Practices (DPP) and of the Office of Human Resources; the Commission's response to the Audit as well as an update on staff progress in addressing the recommendations; and a report on DPP's current workload.

**Recommended Action:** For information only

**Presenter:** Nanette Rufo, Director, Professional Practices Division

**Strategic Plan Goal: 1**

**Promote educational excellence through the preparation and certification of professional educators**

- ◆ Evaluate and monitor the moral fitness of credential applicants and holders and take appropriate action

November 2011

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## Progress on Addressing the Recommendations from the April 7, 2011 Audit Report

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### Introduction

This agenda item provides an update to the Commission on the April 7, 2011 Bureau of State Audits' Audit of the Division of Professional Practices (DPP) and of the Office of Human Resources, and also provides the Commission's responses to the Audit recommendations. This agenda item presents the September 2011 DPP workload reports. The October reports will be posted once they are available.

### Audit Update

On April 7, 2011 the California State Auditor issued a report entitled "*Despite Delays in Discipline of Teacher Misconduct, the Division of Professional Practices has not Developed an Adequate Strategy or Implemented Processes That Will Safeguard Against Future Backlogs*". The audit identified eleven recommendations. The initial update was presented to the Commission at the June 2011 Meeting (<http://www.ctc.ca.gov/commission/agendas/2011-06/2011-06-2H.pdf>).

On Monday, June 6, 2011 the required sixty day response was submitted to the Bureau of State Audits (BSA), followed by the six month report on October 5, 2011. On October 7, 2011 Commission management staff met with representatives of the BSA to discuss the report and to respond to any questions from the auditors. According to BSA staff, the progress noted in the 60-day and six-month reports will be included in the BSA's annual report to the Legislature, which they anticipate will be submitted in February 2012.<sup>1</sup> Information from the one-year-report the Commission will submit to the BSA in April 2012 will then be included in the BSA's February 2013 report to the Legislature.

As part of the response to the audit, staff scheduled two meetings for stakeholders. A stakeholder planning group was formed with five groups to assist in the planning process, the California Teachers Association (CTA), California Federation of Teachers (CFT), the California School Boards Association (CSBA), the California Association of School Administrators (ACSA) and the California County Superintendents Educational Services Association (CCSESA). The first meeting will take place on October 28, 2011. Staff will be providing an oral update to the Commission on the content of this meeting. In addition, a second stakeholder meeting is set for November 18, 2011. After the meetings are completed, staff will prepare an agenda item for the Commission with information gathered from the meetings.

Many of the audit recommendations overlapped; therefore, at the direction of the Co-Acting Executive Directors, four areas of focus were identified that encompass the eleven recommendations as listed:

### 1. Individuals for whom the Commission needs subsequent misconduct reports

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<sup>1</sup> Early each year, the BSA summarizes the major findings and recommendations from audit reports issued during the previous two years. The BSA includes in this report, actions auditees have taken to implement recommendations. The BSA makes these reports available to the members of the Legislature for their use in budget subcommittees and policy committees.

2. **Legality of the Committee of Credentials (COC) delegating its discretionary authority to staff**
3. **Division of Professional Practices**
4. **Office of Human Resources**

Following is a description of staff analysis of issues and related actions that fall within these four areas:

1. **Individuals for whom the Commission needs subsequent misconduct reports.** The Department of Justice (DOJ) currently provides copies of the “Reports of Arrest and Prosecution” (RAP) for all individuals who currently hold or have ever held a teaching/services credential, a 30 day substitute permit, and/or a certificate of clearance or who have submitted fingerprints to the Commission in preparation for applying for a credential or certificate of clearance. If the Commission receives RAPs for only those individuals who are currently authorized to provide service in the public schools, the division’s RAP processing workload would be significantly reduced. (BSA Recommendation 1)
2. **Legality of the Committee of Credentials (COC) delegating its discretionary authority to staff.** Once an opinion is received from the Attorney General, we will take the steps necessary to comply with the attorney general’s advice and undertake all necessary procedural and statutory changes to increase the number of cases the COC can review each month. (BSA Recommendations 4 and 5)
3. **Division of Professional Practices. The audit recommendations highlighted several areas of concern regarding how reports of misconduct are handled and followed up.** The auditors indicated that the processing of reports of misconduct must be analyzed and clear criteria and procedures must be developed for timely, accurate processing of all reports. The procedures need to be documented and centrally located, staff needs to be trained on the procedures, and an oversight system must be developed to ensure that the procedures are followed. Incoming reports of misconduct must be entered into a database and each report must be monitored as the discipline process is followed with triggers in place to move mandatory actions forward immediately and with attention to tracking cases by type, the person(s) responsible for the case, length of time at each stage of review, reasons for delays and final disposition. The data needs to be complete, accurate and consistently entered into the database. An oversight process needs to be developed to ensure the accuracy of data entered into the database and to provide data in a form useful as a management tool. The time elapsed in the processing of misconduct needs to be reduced, including making prompt requests for information from law enforcement agencies, courts, schools, and knowledgeable individuals. Once clear division procedures with expected timelines are in place, data must be collected to identify the staffing levels necessary to accommodate the workload. The strategic plan for the division needs to be reviewed and revised to identify the programmatic, organizational, and external challenges that face the division and the COC. While not included in the BSA recommendations, the early pursuit of information related to more serious cases should be examined. (BSA Recommendations 2, 3, 6, 7, 8, and 9)

4. **Office of Human Resources.** The auditors indicated that information about staffing and about staff concerns must be clearly documented, current, and shared with the appropriate staff at the appropriate intervals. This includes information on 1) hiring and promotions, 2) making sure supervisors and managers are appropriately documenting their hiring processes, and 3) ensuring that staff understands the grievance and EEO complaint processes. (BSA Recommendations 10 and 11)

Attachment Two provides information on the specific actions taken to date related to each of these four topics, dates of the actions and the identified *Next Steps*. This table is being updated weekly to track the agency's progress in addressing the audit recommendations.

#### **DPP Workload Update**

Staff fine tuned the DPP Monthly Activity Summary reports provided to Commissioners and added additional information on DPP's workload. These reports include a detailed look at the COC workload including all Open Cases by Status and Type (Chart 1); monthly RAPs Received and Processed (Chart 2); a report on the Closed Cases (Chart 3); Charts 4a and 4b on the aging of cases; and a new Chart 5 showing the number and types of cases considered by the COC in September.

Chart 1, the DPP monthly activity report, shows that the starting caseload for September was 3,252 cases. However, the ending caseload in the August 2011 report was 3,250 cases. Staff spent significant time to ascertain the source of the discrepancy and reconciled one case; but staff was unsuccessful in locating the second case. As the discipline database is refined, "locks" on data should assist in ensuring that such discrepancies do not occur. In the alternative, we will need to establish a process to reconcile the case counts.

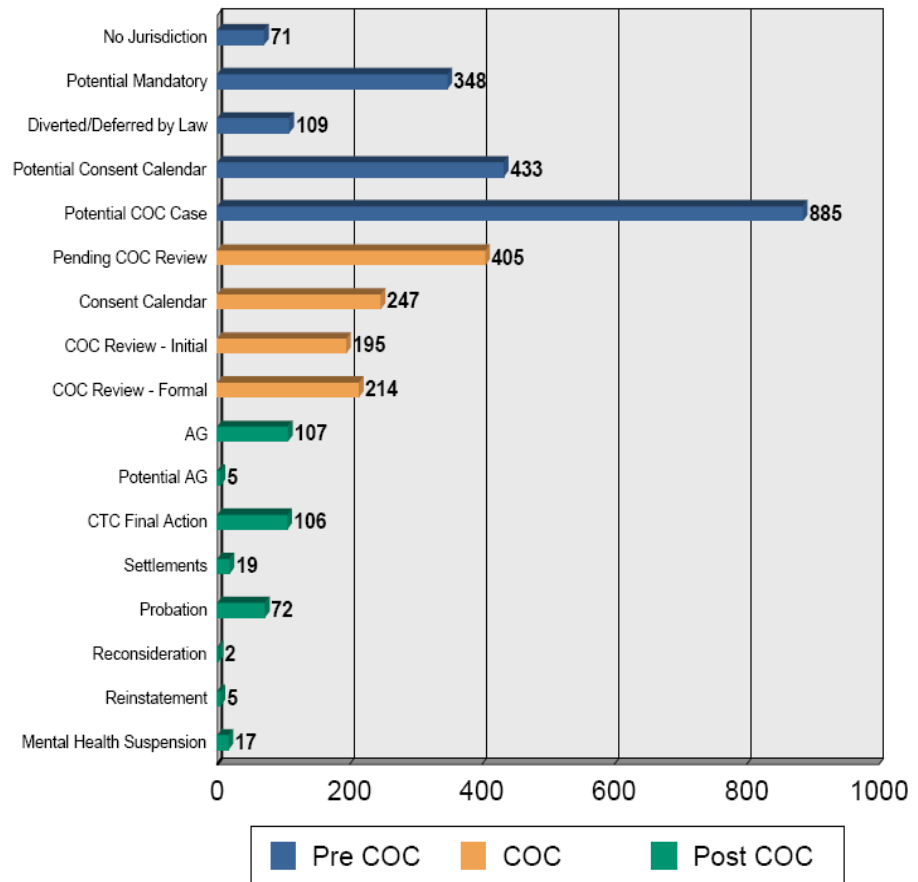
The workload shown in Chart 1, page 4, is organized by cases preparing to go to the COC in blue, cases that are currently in the COC review phase in yellow and cases that are post-COC review in green. As staff continue to make progress and gain efficiencies in the area of identifying and processing pre-COC cases, the COC workload is likely to continue to grow as there are only a finite number of cases that can be heard by the COC each month.

Chart 1:

## DPP Monthly Activity Summary

Activity During September 2011		
Pre COC		
Work Received in DPP		
	Items Rec'd	Cases Opened
RAPs	586	160
Apps	1,206	171
SD Reports *	27	2
Misc *	11	7
<b>Total</b>	<b>1,830</b>	<b>340</b>
* Work related to cases opened may have been received in a prior period		
Document Requests		
Arrest		111
Court		356
COC Inventory		
Initial Review		53
Formal Review		67
Consent Review		219
COC Work Completed (September 2011)		
Cases to COC		
Initial Review		60
Formal Review		64
Reconsideration		7
Consent Review		171
Cases Completed		
Closed		56
Granted		140
Adverse Actions		106
Post COC		
Settlement		2
AG		2
CTC		92
Mandatory Actions		
Revocations		8
Denials		1
Automatic Suspensions		6
Inventory for September 2011		
Starting Case Load		3,252
Cases Opened		340
Cases Closed		352
Ending Case Load		3,240

Open Cases by Status and Type as of September 30, 2011



Pre COC	1,846
COC	1,061
Post COC	333
<b>Total Open Cases</b>	<b>3,240</b>

Chart 2 shows all RAP sheets received in the month of September 2011. This report now presents the workload in a sequential organization with the yellow rows showing the RAPs that do not lead to a case, the red rows are the RAPs which are affiliated with an existing case and the green rows show the RAPs that lead to a new case. The labels for the rows in this report were also modified to more clearly describe the type of category of RAPs received.

**Chart 2:**

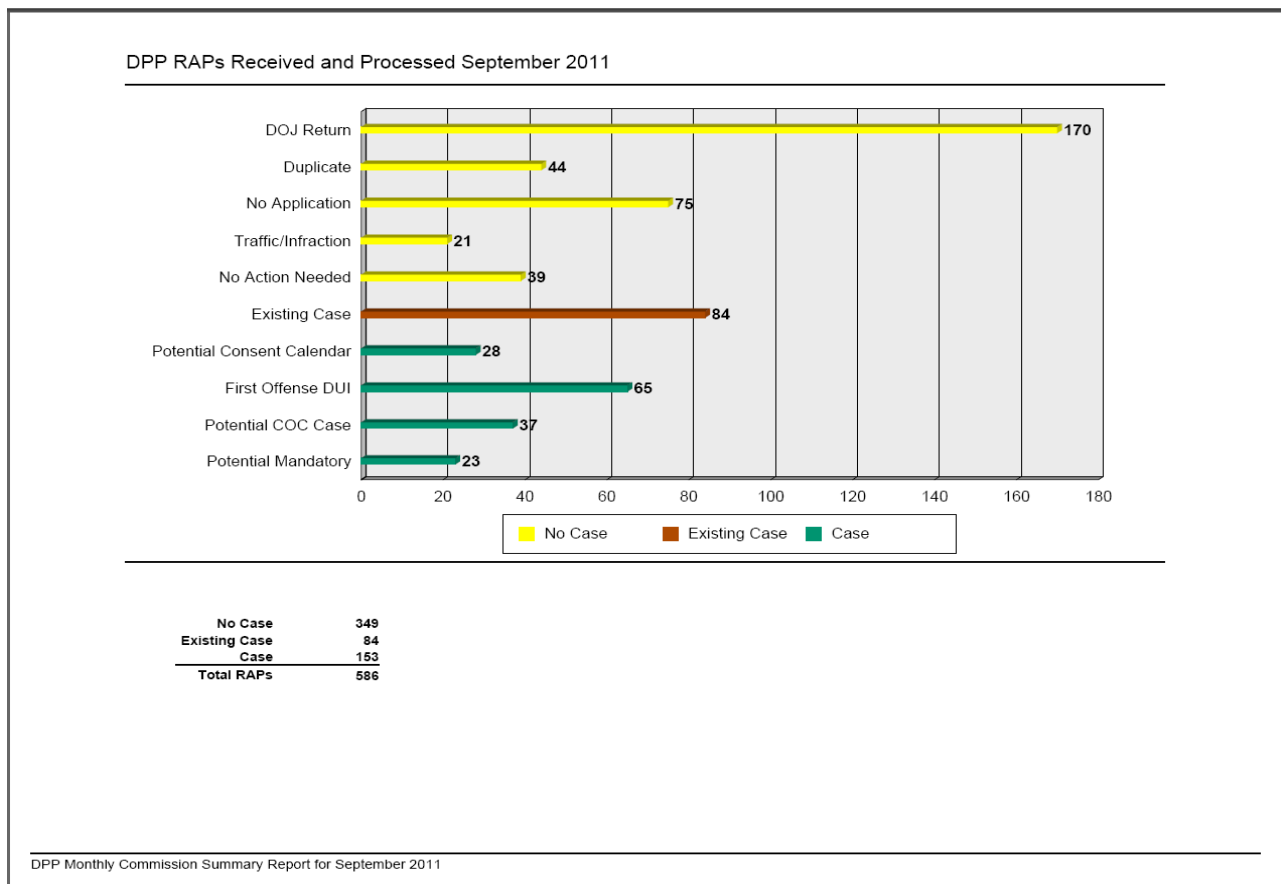
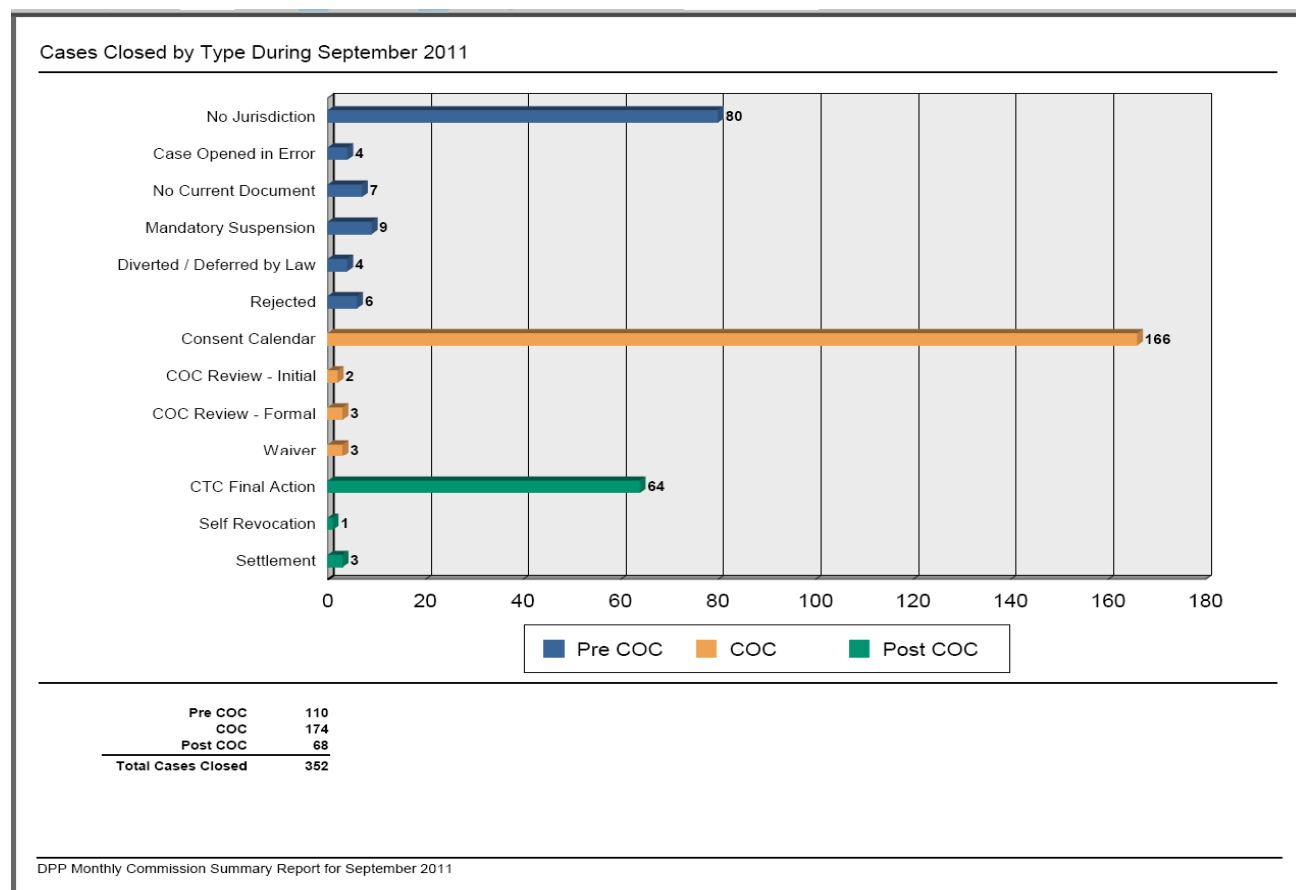


Chart 3 identifies the types of items that were closed throughout the month of September 2011. It is important to note that cases may be closed at any one of multiple steps in the discipline process and not all the cases that are closed were received in any one month.

**Chart 3:**



### Charts 4a and 4b: Case Aging Reports-September 2011

Two versions of the Case Aging Report are presented. Each provides information on the same cases but through a slightly different lens. Both reports provide information on:

- the number of cases and how many days the cases have been in the process (0-30, 31-180, 181-270, 271-360, 361-450, and 450+ days);
- the cases by status in relation to the Committee of Credentials (COC): Pre COC, at the COC, or post COC, and;
- the type of misconduct the educator has been accused or convicted of, categorized into one of the following seven groups.
  - Child Crime-Sexual
  - Child Crime-Non-Sexual
  - Adult-Sexual
  - Drugs
  - Serious Crimes/Felonies

- Alcohol
- Other Crimes/Misdemeanors

Where the two reports differ is that one reports on the case type while the other includes information on the license status of the individual. Chart 4a, on page 8, provides information on the type of case and this information is also found on DPP Monthly Summary report and the Cases Closed reports. The second report, Chart 4b, instead presents information organized by whether or not the individual currently holds a valid license to serve as an educator in California.

#### **4a: Open Case Aged by Case Status, Case Type, and Offense as of September 30, 2011**

This Chart, on page 8, is organized into three sections based on the work and its relation to the COC (Pre COC, at the COC, and Post COC). Within the work that has not yet gone to the COC, the information is organized into five types of cases

- No Jurisdiction
- Potential Mandatory
- Diverted/Deferred by Law
- Potential Consent Calendar
- Potential Committee Case

For the cases that are at the COC or have completed the COC process, this report does not delineate among the case types.



Chart 4a:

### Open Cases Aged by Case Status, Case Type, and Offense as of September 30, 2011

Status	Case Type	Offense Code	0 - 90 Days	91 - 180 Days	181 - 270 Days	271 - 360 Days	361 - 450 Days	450 + Days	Total
Pre COC	No Jurisdiction	Child Crime - Non-sexual	1	4	0	1	0	0	6
		Adult - Sexual	0	0	1	0	0	0	1
		Drugs	4	1	1	0	0	0	6
		Serious Crimes/Felonies	2	3	7	2	2	7	23
		Alcohol	2	1	4	0	0	1	8
		Other Crimes/Misdemeanors	5	13	6	1	0	2	27
		<b>Total</b>	<b>14</b>	<b>22</b>	<b>19</b>	<b>4</b>	<b>2</b>	<b>10</b>	<b>71</b>
	Potential Mandatory	Child Crime - Sexual	19	13	12	9	9	25	87
		Child Crime - Non-sexual	9	12	14	2	3	5	45
		Adult - Sexual	7	6	0	0	1	2	16
		Drugs	25	9	8	4	7	9	62
		Serious Crimes/Felonies	37	24	22	10	5	25	123
		Alcohol	7	3	1	0	1	0	12
		Other Crimes/Misdemeanors	1	0	1	0	0	1	3
		<b>Total</b>	<b>105</b>	<b>67</b>	<b>58</b>	<b>25</b>	<b>26</b>	<b>67</b>	<b>348</b>
	Diverted / Deferred by Law	Child Crime - Non-sexual	1	0	0	0	0	4	5
		Drugs	2	4	10	9	11	27	63
		Serious Crimes/Felonies	2	5	2	4	5	7	25
		Alcohol	0	1	0	0	0	4	5
		Other Crimes/Misdemeanors	2	4	1	2	0	2	11
		<b>Total</b>	<b>7</b>	<b>14</b>	<b>13</b>	<b>15</b>	<b>16</b>	<b>44</b>	<b>109</b>
	Potential Consent Calendar	Child Crime - Non-sexual	2	2	0	0	0	0	4
		Adult - Sexual	1	3	0	0	0	0	4
		Drugs	4	6	2	2	0	0	14
		Serious Crimes/Felonies	25	23	9	6	1	2	66
		Alcohol	125	66	10	5	3	4	213
		Other Crimes/Misdemeanors	48	67	10	5	1	1	132
		<b>Total</b>	<b>205</b>	<b>167</b>	<b>31</b>	<b>18</b>	<b>5</b>	<b>7</b>	<b>433</b>
	Potential COC Case	Child Crime - Sexual	0	1	3	2	1	1	8
		Child Crime - Non-sexual	18	20	3	1	0	4	46
		Adult - Sexual	3	5	2	1	3	1	15
		Drugs	17	7	4	4	3	9	44
		Serious Crimes/Felonies	92	61	46	31	18	16	264
		Alcohol	66	87	49	26	19	24	271
		Other Crimes/Misdemeanors	80	69	44	29	12	3	237
		<b>Total</b>	<b>276</b>	<b>250</b>	<b>151</b>	<b>94</b>	<b>56</b>	<b>58</b>	<b>885</b>
	<b>Total</b>		<b>607</b>	<b>520</b>	<b>272</b>	<b>156</b>	<b>105</b>	<b>186</b>	<b>1,846</b>
COC	All Case Types	All Offense Types	216	112	107	158	126	342	1,061
		<b>Total</b>	<b>216</b>	<b>112</b>	<b>107</b>	<b>158</b>	<b>126</b>	<b>342</b>	<b>1,061</b>
	<b>Total</b>		<b>216</b>	<b>112</b>	<b>107</b>	<b>158</b>	<b>126</b>	<b>342</b>	<b>1,061</b>
Post COC	All Case Types	All Offense Types	7	4	2	5	14	301	333
		<b>Total</b>	<b>7</b>	<b>4</b>	<b>2</b>	<b>5</b>	<b>14</b>	<b>301</b>	<b>333</b>
	<b>Total</b>		<b>7</b>	<b>4</b>	<b>2</b>	<b>5</b>	<b>14</b>	<b>301</b>	<b>333</b>
<b>Total</b>			<b>830</b>	<b>636</b>	<b>381</b>	<b>319</b>	<b>245</b>	<b>829</b>	<b>3,240</b>

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#### **4b: Open Cases Aged by Case Status, Credential Status, and Offense as of September 30, 2011**

In this Chart, within each section of the work in relation to the COC (Pre COC, COC and Post COC) there are four sets of rows (4-7 rows) where information related to individuals in each of the following groups is presented:

- Individuals holding a current, valid credential and therefore the individuals could be in a classroom or working with students in the K-12 public schools.
- Individuals who held one or more California credentials but all credentials have been suspended by the Commission. Since all licenses are suspended, these individuals should not be working with public school students at this time.
- Individuals who do not hold a California credential, but have one or more applications pending. These individuals should not be working with public school students at this time.
- Individuals who do not hold any current, valid credential and have no applications pending. These individuals should not be working with public school students at this time.

After looking at this information staff questions the fourth group of cases in each section of Chart 4b. The individuals do not hold a current license as an educator in California and have no applications pending. Additional research needs to be completed as to why these cases are in the Commission's discretionary discipline process and what the impact would be if cases were not opened for individuals who do not hold current, valid licenses and have no applications pending with the Commission.

Chart 4b:

### Open Cases Aged by Case Status, Credential Status, and Offense - as of September 30, 2011

Case Status	Credential Status	Offense	0 - 90 Days	91 - 180 Days	181 - 270 Days	271 - 360 Days	361 - 450 Days	451 + Days	Total
Pre COC	Authorized	Child Crime - Sexual	7	1	4	1	1	1	15
		Child Crime - Non-sexual	19	27	11	4	2	9	72
		Adult - Sexual	8	11	2	0	3	0	24
		Drugs	34	22	17	16	16	29	134
		Serious Crimes/Felonies	110	75	63	40	18	42	348
		Alcohol	166	132	54	20	18	30	420
		Other Crimes/Misdemeanors	107	119	50	28	10	5	319
		<b>Total</b>	<b>451</b>	<b>387</b>	<b>201</b>	<b>109</b>	<b>68</b>	<b>116</b>	<b>1,332</b>
	Not Authorized - Docs Suspended	Child Crime - Sexual	11	11	11	9	8	24	74
		Child Crime - Non-sexual	0	0	1	0	0	1	2
		Adult - Sexual	2	1	0	0	0	2	5
		Serious Crimes/Felonies	0	1	0	0	1	1	3
		Alcohol	0	0	0	1	0	0	1
		Other Crimes/Misdemeanors	1	0	0	0	0	0	1
		<b>Total</b>	<b>14</b>	<b>13</b>	<b>12</b>	<b>10</b>	<b>9</b>	<b>28</b>	<b>86</b>
	Not Authorized - App(s) Pending	Child Crime - Sexual	0	0	0	0	0	1	1
		Child Crime - Non-sexual	5	5	0	0	1	0	11
		Adult - Sexual	0	1	0	1	1	1	4
		Drugs	13	4	3	1	2	3	26
		Serious Crimes/Felonies	38	29	10	3	2	3	85
		Alcohol	27	15	1	4	2	0	49
		Other Crimes/Misdemeanors	22	27	3	1	3	0	56
		<b>Total</b>	<b>105</b>	<b>81</b>	<b>17</b>	<b>10</b>	<b>11</b>	<b>8</b>	<b>232</b>
	Not Authorized - No App(s) Pending	Child Crime - Sexual	1	2	0	1	1	0	5
		Child Crime - Non-sexual	7	6	5	0	0	3	21
		Adult - Sexual	1	1	1	0	0	0	3
		Drugs	5	1	5	2	3	13	29
		Serious Crimes/Felonies	10	11	13	10	10	11	65
		Alcohol	7	11	9	6	3	3	39
		Other Crimes/Misdemeanors	6	7	9	8	0	4	34
		<b>Total</b>	<b>37</b>	<b>39</b>	<b>42</b>	<b>27</b>	<b>17</b>	<b>34</b>	<b>196</b>
	<b>Total</b>		<b>607</b>	<b>520</b>	<b>272</b>	<b>156</b>	<b>105</b>	<b>186</b>	<b>1,846</b>
COC	Authorized	Child Crime - Sexual	0	1	1	5	2	5	14
		Child Crime - Non-sexual	4	12	21	18	14	16	85
		Adult - Sexual	0	5	3	0	4	5	17
		Drugs	2	1	3	5	5	9	25
		Serious Crimes/Felonies	6	8	13	12	23	65	127
		Alcohol	100	18	12	26	20	91	267
		Other Crimes/Misdemeanors	6	28	29	55	31	61	210
		<b>Total</b>	<b>118</b>	<b>73</b>	<b>82</b>	<b>121</b>	<b>99</b>	<b>252</b>	<b>745</b>
	Not Authorized - Docs Suspended	Child Crime - Sexual	0	0	0	0	0	1	1
		Child Crime - Non-sexual	0	2	2	1	1	1	7
		Adult - Sexual	0	0	0	0	0	1	1

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			0 - 90 Days	91 - 180 Days	181 - 270 Days	271 - 360 Days	361 - 450 Days	451 + Days	Total
COC	Not Authorized - Docs Suspended	Drugs	0	0	0	0	0	1	1
		Serious Crimes/Felonies	0	0	0	1	1	1	3
		Other Crimes/Misdemeanors	0	0	1	0	0	1	2
		<b>Total</b>	<b>0</b>	<b>2</b>	<b>3</b>	<b>2</b>	<b>2</b>	<b>6</b>	<b>15</b>
	Not Authorized - App(s) Pending	Child Crime - Sexual	0	0	2	1	0	0	3
		Child Crime - Non-sexual	0	1	3	1	1	2	8
		Adult - Sexual	0	0	2	0	1	0	3
		Drugs	1	3	1	1	0	1	7
		Serious Crimes/Felonies	19	13	5	7	4	7	55
		Alcohol	52	6	2	4	2	6	72
		Other Crimes/Misdemeanors	24	9	3	12	2	4	54
		<b>Total</b>	<b>96</b>	<b>32</b>	<b>18</b>	<b>26</b>	<b>10</b>	<b>20</b>	<b>202</b>
	Not Authorized - No App(s) Pending	Child Crime - Sexual	0	0	0	1	1	1	3
		Child Crime - Non-sexual	0	1	0	2	0	4	7
		Adult - Sexual	0	0	0	0	0	4	4
		Drugs	0	0	0	1	1	5	7
		Serious Crimes/Felonies	0	0	1	2	5	16	24
		Alcohol	2	3	1	1	3	20	30
		Other Crimes/Misdemeanors	0	1	2	2	5	14	24
		<b>Total</b>	<b>2</b>	<b>5</b>	<b>4</b>	<b>9</b>	<b>15</b>	<b>64</b>	<b>99</b>
	<b>Total</b>		<b>216</b>	<b>112</b>	<b>107</b>	<b>158</b>	<b>126</b>	<b>342</b>	<b>1,061</b>
Post COC	Authorized	Child Crime - Sexual	0	0	0	0	0	20	20
		Child Crime - Non-sexual	0	0	0	0	1	28	29
		Adult - Sexual	0	0	0	0	1	7	8
		Drugs	0	0	0	0	1	5	6
		Serious Crimes/Felonies	0	0	0	0	1	26	27
		Alcohol	0	0	0	1	4	41	46
		Other Crimes/Misdemeanors	1	0	0	2	2	84	89
		<b>Total</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>3</b>	<b>10</b>	<b>211</b>	<b>225</b>
	Not Authorized - Docs Suspended	Child Crime - Sexual	0	0	0	0	0	3	3
		Child Crime - Non-sexual	0	0	0	0	0	3	3
		Drugs	0	0	0	0	0	2	2
		Serious Crimes/Felonies	0	0	0	0	0	3	3
		Alcohol	0	0	0	0	0	2	2
		Other Crimes/Misdemeanors	0	0	0	0	0	13	13
		<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>26</b>	<b>26</b>
	Not Authorized - App(s) Pending	Child Crime - Sexual	0	2	0	0	0	6	8
		Child Crime - Non-sexual	1	0	1	0	0	5	7
		Drugs	0	0	0	0	1	1	2
		Serious Crimes/Felonies	2	1	0	0	1	13	17
		Alcohol	0	0	0	0	0	8	8
		Other Crimes/Misdemeanors	2	1	0	1	2	5	11
		<b>Total</b>	<b>5</b>	<b>4</b>	<b>1</b>	<b>1</b>	<b>4</b>	<b>38</b>	<b>53</b>
	Not Authorized - No App(s) Pending	Child Crime - Sexual	0	0	0	0	0	4	4
		Child Crime - Non-sexual	0	0	1	0	0	2	3

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			0 - 90 Days	91 - 180 Days	181 - 270 Days	271 - 360 Days	361 - 450 Days	451 + Days	Total
Post COC	Not Authorized - No App(s) Pending	Serious Crimes/Felonies	0	0	0	0	0	6	6
		Alcohol	0	0	0	0	0	2	2
		Other Crimes/Misdemeanors	1	0	0	1	0	11	13
		Total	1	0	1	1	0	25	28
	Undefined	Other Crimes/Misdemeanors	0	0	0	0	0	1	1
		Total	0	0	0	0	0	1	1
	Total		7	4	2	5	14	301	333
Total			830	636	381	319	245	829	3,240

**Chart 5: Caseload of the Committee of Credentials**

This Chart represents the types of cases reviewed by the COC in 2011, through September.

Committee Review 2011						
	Consent	Discuss	Initial	Formal	Formal	Total
				App <sup>2</sup>	Non APP <sup>3</sup>	
January			51	18	33	102
February			52	15	28	95
March			56	12	31	99
April			63	14	30	107
May	125	0	53	18	24	220
June	283	28	65	15	39	430
July	285	25	85	12	32	439
August	233	14	82	19	31	379
September	158	13	60	12	52	295
October						0
November						0
December						0

**Next Steps**

Staff will continue to post the Monthly Activity Summary reports on the Commissioners' internal webpage each month. Staff will continue working to implement the State Auditor's recommendations and file required updates. The one year report to BSA will be due on April 7, 2012.

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<sup>2</sup> "App" means the person chose to appear and testify before the Committee.

<sup>3</sup> "Non App" means the person chose not to appear before the Committee.

## Appendix One

### Recommendations from the Bureau of State Audits and Organization of CTC's Response

BSA Recommendations	Focus Area
<b>Recommendation One:</b> To comply with the law and reduce unnecessary workload, the division should continue to notify the Department of Justice of individuals for whom it is no longer interested in receiving RAP sheets.	1. Individuals for whom the Commission needs updated misconduct reports
<b>Recommendation Two:</b> The commission should revise its strategic plan to identify the programmatic, organizational, and external challenges that face the division and the committee, and to determine the goals and actions necessary to accomplish its mission.	3. Division of Professional Practices
<b>Recommendation Three:</b> To ensure that it can effectively process its workload in the future, the commission should collect the data needed to identify the staffing levels necessary to accommodate its workload.	
<b>Recommendation Four:</b> The commission should seek a legal opinion from the attorney general to determine the legal authority and extent to which the committee may delegate to the division the discretionary authority to close investigations of alleged misconduct without committee review, and take all necessary steps to comply with the attorney general's advice.	2. Legality of the Committee of Credentials (COC) delegating its discretionary authority to staff.
<b>Recommendation Five:</b> Once the commission has received the attorney general's legal advice regarding the extent to which the committee may delegate case closures to the division, the commission should undertake all necessary procedural and statutory changes to increase the number of cases the committee can review each month.	
<b>Recommendation Six:</b> The division should develop and formalize comprehensive written procedures to promote consistency in, and conformity with, management's policies and directives for reviews of reported misconduct.	3. Division of Professional Practices
<b>Recommendation Seven:</b> The division should provide training and oversight, and should take any other necessary steps, to ensure that the case information in the commission's database is complete, accurate, and consistently entered to allow for the retrieval of reliable case management information.	
<b>Recommendation Eight:</b> To ensure that the division promptly and properly processes the receipt of all the various reports of educator misconduct it receives, such as RAP sheets, school reports, affidavits, and self disclosures of misconduct, it should develop and implement procedures to create a record of the receipt of these reports that it can use to account for them. In addition, the process should include oversight of the handling of these reports to ensure that case files for the reported misconduct are established in the commission's database to allow for tracking and accountability.	

BSA Recommendations	Focus Area
<p><b>Recommendation Nine:</b> To adequately address the weaknesses in its processing of reports of misconduct, the division should revisit its management reports and its processes for overseeing the investigations of misconduct to ensure that the reports and practices provide adequate information to facilitate the following:</p> <ul style="list-style-type: none"> <li>• Reduction of the time elapsed to perform critical steps in the review process.</li> <li>• Adequate tracking of the reviews of reports of misconduct that may require mandatory action by the commission to ensure the timely revocation of the credentials for all individuals whose misconduct renders them unfit for the duties authorized by their credential.</li> <li>• Prompt requests for information surrounding reports of misconduct from law enforcement agencies, the courts, schools, and knowledgeable individuals.</li> <li>• An understanding of the reasons for delays in investigating individual reports of misconduct without having to review the paper files for the cases.</li> </ul>	<p>3. Division of Professional Practices</p>
<p><b>Recommendation Ten:</b> To better ensure that its hiring decisions are fair and that employment opportunity is equally afforded to all eligible candidates, and to minimize employees' perceptions that its practices are compromised by familial relationships or employee favoritism, the commission should do the following:</p> <ul style="list-style-type: none"> <li>• Prepare and/or formally adopt a comprehensive hiring manual that clearly indicates hiring procedures and identifies parties responsible for carrying out various steps in the hiring process.</li> <li>• Maintain documentation for each step in the hiring process. For example, the commission should maintain all applications received from eligible applicants and should preserve notes related to interviews and reference checks. Documentation should be consistently maintained by a designated responsible party.</li> <li>• Hiring managers should provide to the commission's Office of Human Resources documentation supporting the appointment decision, and the Office of Human Resources should maintain this documentation so that it can demonstrate that the hiring process was based on merit and the candidate's fitness for the job.</li> </ul>	<p>4. Office of Human Resources</p>
<p><b>Recommendation Eleven:</b> To ensure that employees understand their right to file either an EEO complaint or grievance, and to reduce any associated fear of retaliation, the commission should do the following:</p> <ul style="list-style-type: none"> <li>• Include in its EEO policy a statement informing staff members that they may make complaints without fear of retaliation.</li> <li>• Actively notify employees annually of its EEO complaint and grievance processes, including the protection from retaliation included in both.</li> <li>• Conduct training on its EEO complaint process on a periodic basis.</li> </ul>	



## Appendix Two

### Detailed Audit Tracking by Topic

**1. Individuals for whom the Commission needs updated misconduct reports** (BSA Recommendation 1): The DOJ currently provides copies of the “Reports of Arrest and Prosecution” (RAP) for all individuals who currently hold or have ever held a teaching/services credential, a 30 day substitute permit, certificate of clearance or submitted fingerprints to the Commission in preparation for applying for a credential or certificate of clearance.

#### CTC Actions as of October 18, 2011

- Beginning in March 2011, staff began returning RAPs to the DOJ— On June 21, 2011 staff confirmed with DOJ that returning RAP information will remove the individual from the list. Once an individual is removed from the Commission’s list, the individual would need to be fingerprinted again in order to apply for a new credential or permit in order for the Commission to receive current and subsequent arrest information. Staff has begun returning the names of individuals to DOJ with a status of “No Longer Interested”. {BSA #1}
- Staff has determined how many people are currently in the CASE system (over 1,100,000 total individuals in the system) but have never held a license, or all licenses held have been expired for a minimum of 3 years (~300,000). These are the first groups that are being sent to DOJ as “No Longer Interested” in receiving RAPs. {BSA #1}
- Regulatory changes were proposed as an information item to the Commission to clarify the expiration date of all Certificates of Clearance issued prior to July 2007 and to reduce the timeframe for retaining fingerprints for individuals with no valid credentials from 3 years to 1 year (August 2011). {BSA #1}
- In response to stakeholder input, staff presented an action item to the Commission at its October 2011 meeting with regulatory language to change from 3 years to an eighteen month time period, to notify DOJ to no longer send subsequent RAPs for an individual, increasing our “No Longer Interested” number by an approximately 40,000 (October 2011). {BSA #1}
- Developed and will begin implementing the process to notify DOJ on a regular (daily) basis of the individuals for whom the Commission is “No Longer Interested” in receiving subsequent RAPs (August 2011-November 2011). {BSA #1}

The Commission believes it has fully addressed this audit recommendation (BSA #1). Staff is finalizing the process through which the DOJ will continue to be notified of those individuals for whom the Commission is “No Longer Interested” (NLI) in receiving subsequent notifications of arrest and prosecution.

**2. Legality of the Committee of Credentials (COC) delegating its discretionary authority to staff (BSA Recommendations 4 and 5):** Once an opinion is received from the Attorney General, take necessary steps to comply with the attorney general’s advice and undertake all necessary procedural and statutory changes to increase the number of cases the COC can review each month.

CTC Actions as of October 18, 2011	Next Steps
<ul style="list-style-type: none"> <li>• Requested a formal Attorney General Opinion (May 2, 2011). Contacted the AG on June 21, 2011, requesting confirmation that the request for an opinion had been received. Request has been received and assigned an opinion number 11-606. <b>{BSA # 4}</b></li> <li>• In the interim, effective May 1, 2011, the COC began reviewing a Consent Calendar of work evaluated by legal staff and takes action at each meeting on all cases rather than staff closing any cases. <b>{BSA #5}</b></li> <li>• At its June 22-23, 2011 meeting, the COC considered an additional calendar of cases that legal staff has identified as the type of case that might be closed at the Initial Review. Twenty-eight cases were presented in this “discuss calendar” in June and the COC decided to close or grant 19 of the cases. The remaining 9 cases will be scheduled for COC Initial Review. Summary disposition of such cases could result in the completion of approximately 100-150 additional cases a year. <b>{BSA #5}</b> Below is a summary of the combined number of “Consent” and “Discuss” cases presented to the COC since May 2011: <ul style="list-style-type: none"> <li>– May: 125 cases</li> <li>– June: 311 cases</li> <li>– July: 310 cases</li> <li>– August: 247 cases</li> <li>– September: 171 cases</li> </ul> </li> <li>• Discipline Process Webinar – July 12, 2011. <i>California’s Educator Discipline Process—Laws and Current Commission Procedures</i>. Staff presented information on the current educator discipline process. <b>{BSA #5}</b></li> <li>• At the August 4, 2011 Commission meeting staff presented staff presented an update on the work to date to address the audit recommendations. In addition, staff presented an agenda item on the discipline process and proposed the development of stakeholder meetings to discuss the discipline process and provide recommendations on improving the discipline process. The Commission directed staff to move forward with the stakeholder meetings. <b>{BSA #5}</b></li> </ul>	<ul style="list-style-type: none"> <li>• Prior to receiving the AG’s opinion the Commission staff will work with policymakers, stakeholders and other interested parties to discuss the COC process and potential procedural and statutory solutions to increase the number of cases reviewed by the COC. <b>{BSA #5, 9}</b></li> <li>• Stakeholder meetings are planned for October and November 2011 to discuss California’s Educator Discipline process and possible recommendations from the stakeholder meetings will be presented to the Commission by January 2012. <b>{BSA #5, 9}</b></li> </ul>

**3. Division of Professional Practices** (BSA Recommendations 2, 3, 6, 7, 8, and 9): The processing of reports of misconduct must be analyzed and clear procedures developed for timely, accurate processing of all reports (#6). The procedures need to be documented and centrally located, staff needs to be trained on the procedures, and an oversight system must be developed to ensure that the procedures are followed (#6, 7). Incoming reports of misconduct must be entered into a database and each report must be monitored as the discipline process is followed with triggers in place to move mandatory actions forward immediately and with attention to tracking cases by type, length of time at each stage of review, reasons for delays and the person (s) responsible for the case (#8). The data needs to be complete, accurately and consistently entered into the database and useful as a management tool (# 7). An oversight process needs to be developed to ensure the accuracy of data entered into the database (# 7). The time elapsed in the processing of misconduct needs to be reduced including prompt requests for information from law enforcement agencies, the courts, schools, and knowledgeable individuals (# 9). Once clear division procedures with expected timelines are in place, data must be collected to identify the staffing levels necessary to accommodate the workload (#3). The strategic plan for the division needs to be reviewed and revised to identify the programmatic, organizational, and external challenges that face the division and the COC (#2).

CTC Actions as of October 18, 2011	Next Steps
<ul style="list-style-type: none"> <li>• All allegations of misconduct (RAP, employer report, affidavit and self-disclosure) are entered, including arrival date, into the SIEBEL system within 5 business days of arriving at the Commission. {BSA # 8}</li> <li>• Intake and Tracking screens have been developed within the SIEBEL (database) system and will serve as a monitoring process; management reports are being developed as part of the oversight process. Implementation of the screens began on August 9, 2011. {BSA #8}</li> <li>• A comprehensive Procedures Manual was developed by the Division and posted on the CTC intranet along with other DPP training materials (May 6, 2011). {BSA #6} <ul style="list-style-type: none"> <li>– As procedures are fine-tuned or additional systems are developed, the Procedures Manual will be updated. {BSA #6}</li> <li>– All division staff completed initial training on the Procedures Manual (May 25, 2011). As new procedures or systems are put in place, additional training will be held. {BSA #7}</li> </ul> </li> <li>• Staff has developed initial workload reports to gather the data necessary to understand the volume of work on a task by task basis. This includes the following reports: {BSA # 3, 9} <ul style="list-style-type: none"> <li>a. Monthly Activity Summary and Existing Inventory-</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• For the 2011-12 year, move a position from the Certification Division to the Professional Practices Division to reorganize the management of the division (August 2011). Once the new management structure is in place, the refinement and implementation of the comprehensive monitoring and oversight plan will be the primary focus for management.</li> <li>• Additional training for staff on the Procedures Manual is scheduled as updated procedures are put in place. {BSA #7}</li> <li>• After reviewing management reports, staffing and any changes from stakeholder</li> </ul>

**3. Division of Professional Practices** (BSA Recommendations 2, 3, 6, 7, 8, and 9): The processing of reports of misconduct must be analyzed and clear procedures developed for timely, accurate processing of all reports (#6). The procedures need to be documented and centrally located, staff needs to be trained on the procedures, and an oversight system must be developed to ensure that the procedures are followed (#6, 7). Incoming reports of misconduct must be entered into a database and each report must be monitored as the discipline process is followed with triggers in place to move mandatory actions forward immediately and with attention to tracking cases by type, length of time at each stage of review, reasons for delays and the person (s) responsible for the case (#8). The data needs to be complete, accurately and consistently entered into the database and useful as a management tool (# 7). An oversight process needs to be developed to ensure the accuracy of data entered into the database (# 7). The time elapsed in the processing of misconduct needs to be reduced including prompt requests for information from law enforcement agencies, the courts, schools, and knowledgeable individuals (# 9). Once clear division procedures with expected timelines are in place, data must be collected to identify the staffing levels necessary to accommodate the workload (#3). The strategic plan for the division needs to be reviewed and revised to identify the programmatic, organizational, and external challenges that face the division and the COC (#2).

CTC Actions as of October 18, 2011	Next Steps
<p>(continued from previous page)</p> <p>Workload by status and type</p> <p>b. Cases Closed</p> <p>c. Case Aging Reports</p> <p>d. Cases Ready for Committee Report (developed and being refined to include additional information about types and severity of misconduct of the cases awaiting COC Review)</p> <ul style="list-style-type: none"> <li>• The Commission took action to appoint Mary Vixie Sandy as the new Executive Director at the October 5-6, 2011 meeting. She will begin her service on November 1, 2011. {BSA #2}</li> <li>• The Commission hired Nanette Rufo, to serve as its new General Counsel and Director of the Division of Professional Practices. Ms. Rufo began her service on September 12, 2011. {BSA #2}</li> <li>• Division leadership analyzes the data collected including type of task, staff completing the task, and time to complete the task and based on the analysis review current procedures and develop additional oversight procedures to monitor the implementation of the policies in the division (beginning in June 2011). {BSA #3, 9}</li> </ul>	<p>meetings, if necessary submit a BCP for FY 2013-14. {BSA #3}</p> <ul style="list-style-type: none"> <li>• The Strategic Plan will be reviewed as a starting point for a revised effort no later than January 2012. The auditor's recommendations to identify programmatic, organizational, and external challenges will be integral to the review and revision of the Commission's Strategic Plan. Stakeholder input will be critical as well. {BSA #2}</li> </ul>

**4. Office of Human Resources (BSA Recommendations 10 and 11):** Information must be clearly documented, current, and shared with the appropriate staff at the appropriate intervals. This includes information on 1) hiring and promotions, 2) supervisors and managers appropriately documenting the hiring process, and 3) ensuring that all employees understand the grievance and EEO complaint processes.

**CTC Actions as of October 18, 2011**

- With assistance from State Personnel Board (SPB) a comprehensive Hiring Handbook was developed. **{BSA #10}**
  - The Handbook provides clear expectations for the hiring process.
  - OHR staff monitors all hiring processes.
  - Handbook was reviewed by Senior Managers.
  - The Hiring Handbook was shared with all CTC Staff on June 6, 2011 via the *CTC Insider*
  - Training for all supervisors and managers was held on June 22, 2011.
- The Commission's EEO Policy was updated. **{BSA #11}**
  - The updated EEO Policy was provided to all staff (May 9, 2011).
  - EEO Handbook was developed. The handbook outlines the process to file an EEO complaint.
  - An EEO webpage was developed for the CTC intranet (June 27, 2011). The Handbook is posted on the new web page.
  - SEIU Provided Onsite Employee meetings to review EEO (June 8, 2011).
- A webinar on Workplace Retaliation was held on June 15, 2011 and all supervisors and managers were notified of the expectation that all attend the training or view the archived webinar. As of August 25, 2011 all managers and supervisors have participated in the webinar and/or reviewed the information. **{BSA #11}**
- Per SPB guidance, OHR will maintain all documentation for hiring and promotion decisions based on state policies for retention. (June 2011). **{BSA #10}**
- The Interim Executive Director began meeting with the union stewards on a monthly basis (July 2011).
- EEO training held for rank and file employees (required) and for all supervisors and managers (required). **{BSA #11}**

All Staff Training: September 14 or October 4, 2011; Supervisors and Managers: September 14, 2011.

  - All staff members will be reminded annually of the EEO policy and required to verify that he or she has reviewed and is familiar with the EEO policy. Initial certification was due from all staff by October 6, 2011.
  - Initial certification for the Sexual Harassment training was due from all staff by September 1, 2011.
  - Enhanced the new EEO webpage with resources for staff on EEO related topics (August 15, 2011).

The Commission believes it has fully addressed these two audit recommendations (BSA #10, 11). Additional work is taking place to ensure that all managers, supervisors and staff are aware of the policies of the Commission and that implementation is consistent across the agency. A Joint Labor Management Advisory Committee is being developed.